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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

3 July 1972

Mr. Wilfred H. Rommel
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Rommel:

This submits a proposed report to the Chairman of the Senate Government Operations Committee on S. 3529, a bill "To prescribe certain standards and procedures governing the establishment and operation of advisory committees in the Federal Government, and for other purposes."

As you will note, the House has passed its version of this legislation (H. R. 4383) and the Senate Committee is considering S. 3529. The Senate bill, even though its application is not as broad as the House bill, raises a number of problems for this Agency due to the bill's reporting, disclosure and oversight requirements as detailed in the enclosed proposed letter to Senator McClellan.

Advice is requested as to whether there is any objection to the submission of the proposed letter from the standpoint of the Administration's program.

Sincerely,

STATINTL

Acting Legislative Counsel

Enclosure

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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

OFFICE OF THE DIRECTOR

18 July 1972

The Honorable John L. McClellan, Chairman
Committee on Government Operations
United States Senate
Washington, D. C. 20510

My dear Mr. Chairman:

We wish to submit the views of this Agency on S. 3529, 92nd Congress, a bill "To prescribe certain standards and procedures governing the establishment and operation of advisory committees in the Federal Government, and for other purposes."

In its present form, S. 3529 raises several problems for the Agency. The provisions of most concern are the requirements:

a. To publicize the existence of an advisory committee;

b. To file with the Library of Congress a committee charter involving information on the committee's objective and scope of activity and a description of its duties;

c. To file committee reports with the Library of Congress;

d. To provide to the Librarian of Congress committee records, transcripts, working papers, drafts, studies and other documents upon a committee's termination;

e. To audit the nature and extent of the committee's activities by the Comptroller General, and

f. To make a determination in writing and publish it in the Federal Register prior to each meeting which is to be closed to the public and for which the minutes of the meeting are not to be available upon the request of any person because of security considerations.

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The National Security Act of 1947 requires this Agency:

> "...to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities..." (50 U. S. C. 403).

In order to correlate and evaluate foreign intelligence information, it is necessary to obtain advice and recommendations from diverse sources, frequently using the committee system for this purpose. These committees are usually composed solely of Federal employees and officers but a number have representatives from the private sector as well. In both cases, however, their work involves sensitive matters directly bearing upon a statutory requirement:

> "... That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;..." (50 U. S. C. 403).

It is believed that the requirements of S. 3529 previously noted could conflict both with the statutory responsibility to protect intelligence sources and methods and with the provisions of the Central Intelligence Agency Act of 1949 which exempt this Agency from:

> "...the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency..." (50 U. S. C. 403g).

It is clear from the hearings before your Committee on legislation similar to S. 3529 that the principal objective of the legislation is to assure that advisory committees operate in the public interest. In the case of committees dealing exclusively with sensitive national security and foreign intelligence matters, it appears that the public interest is best served by protecting their endeavors in line with the provisions of law noted above.

In view of the foregoing, it is recommended that S. 3529, or any similar legislation reported out by your Committee, contain a provision similar to that which appears in S. 1637, which was introduced by Senator Metcalf on 22 April 1971, as follows:

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"Applicability

Sec. 4. This Act shall not apply to an advisory committee--
(1) which furnishes advice or recommendations only with respect to national security or intelligence matters;..."

We will be happy to provide any additional information that your Committee may request.

The Office of Management and Budget has advised that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely,

Richard Helms
Director

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